



EFFECTIVE DATE: **CC29.1.5**  
**29 October 2008**

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**By Order of the Assistant Secretary for Health:**

**ADM Joxel Garcia, USPHS**

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SUBJECT: Absence Without Leave

1. PURPOSE: This Instruction prescribes the policies and related procedures regarding Absence Without Leave (AWOL) for officers of the Commissioned Corps of the U.S. Public Health Service (Corps).
2. APPLICABILITY: This Instruction applies to all Regular Corps and Reserve Corps officers on extended active duty and to officers called to active duty for short tours of duty or limited tours of duty.
3. AUTHORITY:
  - 3-1. [37 USC 503\(b\)](#)
  - 3-2. [42 USC 216](#)
  - 3-3. [42 USC 213a\(a\)\(2\)](#)
  - 3-4. [10 USC Chapter 61](#)
  - 3-5. [42 CFR 31.6](#)
  - 3-6. [CC46.4.1](#), "Disciplinary Action," as supplemented by [PPM 07-011](#), "Disciplinary Action"
4. PROPONENT: The proponent of this Instruction is the Assistant Secretary for Health (ASH). The responsibility for assuring the day-to-day management of the Corps is the Surgeon General.
5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC29.1.5, "Absence Without Leave," dated 24 March 1999. This issuance replaces the information from the previous INSTRUCTION of the CCPM, and creates a stand alone Instruction within the eCCIS.

## 6. POLICY:

- 6-1. An officer who, without authority, fails to report to his/her appointed place of duty at the time prescribed; leaves from that place; or is absent from his/her duty station to which assigned shall be classified as AWOL, unless the absence is excused as unavoidable.
- 6-2. AWOL ends when the officer reports in a manner acceptable to the leave granting authority. Reporting to the leave granting authority could include a telephone call, an e-mail or text message, or may be required to be in person.
- 6-3. Administrative Actions.
- a. While an officer is AWOL the following administrative actions apply:
- (1) Forfeiture of all pay and allowances for the duration of the AWOL.
  - (2) Costs for travel and transportation of household goods will not be allowed, except for as noted in the [Joint Federal Travel Regulations \(JFTR\)](#) paragraphs U5012-I, U5210, U5240-F1, B-193430 or chapter 7 part P.
  - (3) No credit toward fulfillment of:
    - (a) A special or incentive pay agreement under [Chapter 5, Title 37 of the U.S. Code](#);
    - (b) An active duty service obligation incurred pursuant to participation in any Federal education training programs under [42 USC 218a](#), service contracts, or other statutes;
    - (c) An active duty service obligation incurred pursuant to participation in an Indian Health Service or a National Health Service Corps scholarship program; and
    - (d) An active duty service obligation incurred under any other provision of law or regulation.
  - (4) Not entitled to receive disability retired pay or disability separation pay for a disability that is incurred, or in the case of a pre-existing condition, aggravated while in AWOL status.
  - (5) Annual leave is not accrued.
- b. An officer who is AWOL for 30 consecutive days or more may be summarily terminated by the Director, Office of Commissioned Corps Operations (OCCO), Office of the Surgeon General (OSG) and receive a statement of service as Dropped from Rolls.
- c. Officers who are placed on AWOL status shall not be eligible to receive promotions or awards for a period of one (1) year after the designation of AWOL.
- 6-4. An officer placed in AWOL status may be subject to further disciplinary action including, but not limited to, referral to a board for possible involuntary separation or retirement.
- 6-5. In the case of an officer who is detained by legal authorities:

- a. Absence from duty due to detention or arrest by Federal, State, Tribal or local civilian authorities shall be considered AWOL if not excused as unavoidable;
  - b. If an officer is arrested by Federal, State, Tribal or local civilian authorities and returns, on bail or otherwise, to the place of duty, the leave granting authority may grant the officer annual leave to prepare and appear for trial;
  - c. If a trial results in conviction, any further detention by Federal, State, Tribal or local civilian authorities is considered AWOL and is not considered unavoidable. Under no conditions will a member be granted leave to cover a period of confinement after conviction by Federal, State, Tribal or local civilian authorities; and
  - d. If the officer is found 'not guilty' through trial, acquitted or has the charges dropped, the absence shall be excused as unavoidable and all pay, benefits, and active duty service credit may be reinstated.
- 6-6. Unavoidable absence happens through no fault of the officer. A determination by the leave granting authority that the absence was unavoidable must be based on reason; an unreasonable determination is subject to reversal by Director, OCCO, OSG.
- a. An officer who is unable to report to his/her duty station for causes beyond the officer's control will immediately advise his/her leave granting authority of the circumstances. This may be done by, but not limited to, a telephone call, an e-mail or text message.
  - b. Absences caused by mental or physical incapacity, and documented by the officer's primary care provider, shall be excused and the officer will be granted sick leave.
  - c. Unavoidable detention, restriction of the freedom of movement or evacuation orders, not related to judicial proceedings, by Federal, State, Tribal or local civilian authorities, such as an emergency shelter-in-place or road closures shall not be charged as AWOL.
  - d. The leave granting authority may approve requests to excuse AWOL as unavoidable. The leave granting authority must consider that the absence was not caused by the officer's own misconduct and that the officer acted as prudently and responsibly as could be expected to avoid the absence. An excused absence ceases to be unauthorized absence and may be charged as station leave for less than a full duty day or annual leave for more than a duty day.
- 6-7. The AWOL status may be rescinded if the absence is excused by the Director, OCCO, OSG as unavoidable. In this case, all forfeited pay, benefits, and allowances will be reinstated.
- a. An officer who chooses to appeal an AWOL order should follow the Corps' grievance procedure ([CC26.1.5](#), "Grievances") or the equal opportunity policy ([CC26.1.6](#), "Equal Employment Opportunity").
  - b. An officer who feels that an error or injustice exists in his/her service record may make application to the Board for Correction of PHS Commissioned Corps Records after all other methods of administrative review have been exhausted ([CC49.9.1](#), "Board for Correction of Records," and [CC29.9.5](#), "Board of Corrections"). This is the highest level of Corps appeal within HHS.

## 7. RESPONSIBILITIES:

- 7-1. Officers must be present and ready for duty when and where they are ordered or required to be.
- 7-2. An officer who is unable to report to the officer's assigned place of duty beyond his/her control will immediately notify his/her supervisor of the absence and the relevant circumstances regarding the nature of the absence. Depending on the circumstances, the officer may request, and at the discretion of the leave granting authority, may be granted the appropriate type of authorized leave.
- 7-3. An officer on orders for non-duty with pay status is to remain in the vicinity of his/her local residence and be available to receive or return phone calls, e-mail, courier messages, or certified mail within 24 hours of delivery during the normal duty hours of the officer's normal duty station.
- 7-4. An officer is responsible to receive approved leave from his/her leave granting authority while absent from the officer's assigned place of duty.
- 7-5. Supervisors or the leave granting authority must ensure that officers under their supervision are aware of when and where the officers are responsible to be present for duty.
- 7-6. The supervisor of an officer must promptly notify the leave granting authority (if different from the officer's supervisor) that the officer has an unapproved absence or has returned from an unapproved absence from the assigned place of duty.
- 7-7. The leave granting authority shall determine if an officer has met the criteria for being classified as AWOL. Once so determined, the HHS Operating Division/Staff Division or non-HHS organization Commissioned Corps Liaison shall be notified as well as the Director, OCCO, OSG.
- 7-8. The Director, OCCO, OSG is responsible for issuing orders to place an officer on AWOL status, and for issuing orders removing an officer from AWOL status, as appropriate.
- 7-9. The Director, OCCO, OSG is responsible to enforce or reverse determinations of unavoidable/avoidable absences.

## 8. PROCEDURES:

- 8-1. Placing an officer in an AWOL status requires the issuance of personnel order.
  - a. When the officer meets the criteria to be recommended as AWOL, the leave granting authority must promptly send a memorandum through the Commissioned Corps Liaison to the Director, OCCO, OSG indicating the date the AWOL began. Electronic notification shall also be followed by a hard copy confirming this information.
  - b. Director, OCCO, OSG will evaluate the situation with the leave granting authority and the Commissioned Corps Liaison to finalize the AWOL status based on all circumstances involved.
  - c. A personnel order shall be issued by the Director, OCCO, OSG placing the officer in AWOL status until it is determined that he/she has returned to his/her duty station. The official personnel order will be distributed to the officer's

electronic Official Personnel Folder, Compensation Branch, Medical Affairs Branch, Office of Force Readiness and Deployment, Commissioned Corps Liaison, and leave granting authority for action as appropriate.

- 8-2. Termination of AWOL requires the issuance of personnel order.
  - a. Upon the officer's return to his/her duty station, the leave granting authority shall send to Director, OCCO, OSG, through the Commissioned Corps Liaison, a memorandum notifying him/her of the date the officer returned to duty. Electronic notification shall also be followed by a hard copy confirming this information.
  - b. A new personnel order shall be issued by Director, OCCO, OSG removing the officer from AWOL status and distributed as in subsection 8-1.c. The officer will not be reimbursed for pay, allowances, and benefits lost during the AWOL period, unless the absence is excused as unavoidable.
- 8-3. If an officer is issued a personnel order by Director, OCCO, OSG indicating the officer's AWOL status, he/she shall be considered as remaining in that status each day, including non-workdays, until the officer either reports to duty or has his/her commission terminated as Dropped from Rolls after 30 days of unexcused absence.
9. HISTORICAL NOTES: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC29.1.5, "Absence Without Leave," dated 24 March 1999. This issuance replaces the information from the previous INSTRUCTION of the CCPM, and creates a stand alone Instruction within the eCCIS.